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FILED

FEB 16 2006

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13

14 UNITED STATES OF AMERICA,) CR. NO. S-97-054 WBS
15)
16 Plaintiff,)
17 v.) [PROPOSED] ORDER RE: RETURN
18) OF MONIES
19)
20)
21 TANH HUU LAM,)
22)
23 Defendant.)
24)

25 In the above-entitled case, approximately \$11,103 was seized
26 from the defendant when he was arrested on January 9, 1997.
27 Pursuant to the Plea Agreement in this case, the defendant agreed
28 that this money would not be returned to him, but would instead be
used to pay restitution to the victims. The government and the
defendant agreed that after Phuc Nguyen was paid \$870, and Duong Van
Sanh was paid \$500, the remaining \$9,733 would be paid to the
victims as restitution.

The defendant was sentenced on September 15, 1999, and was
ordered to pay a total of \$115,000 in restitution to eight different
victims. The written judgment was issued on September 23, 1999,
directing that \$115,000 be paid in restitution to these victims.

1 On March 26, 2001, pursuant to a court order, Bureau of
2 Alcohol, Tobacco, and Firearms Special Steven Carman returned \$870
3 in cash to Phuc Nguyen, and \$500 in cash to Duong Van Sanh.

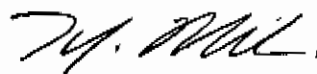
4 Agent Carman is still in possession of the remaining \$9,733 in
5 cash which was seized from the defendant. Pursuant to the Plea
6 Agreement, this money must be paid to the victims as restitution.
7 The government requests that this money be paid to and divided
8 equally between victims Ngoc Tran, Tri Tran, and Duc Tran.¹ The
9 government further requests that the court issue an order directing
10 the government to do so.²

11 The government therefore respectfully requests that an order be
12 issued directing Agent Carman to pay, and equally divide between,
13 the remaining \$9,733 to victims Ngoc Tran, Tri Tran, and Duc Tran.

14 DATED: October 8, 2004

Respectfully submitted,

15 MCGREGOR W. SCOTT
16 United States Attorney

17 By 
18 KENNETH J. MELIKIAN
19 Assistant U.S. Attorney
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22 ¹ These three individuals resided and were present at 6100
23 Merry Lane, Carmichael, when that house was burned to the ground on
24 January 7, 1997. The other three residents of that home were Ngoc
Tran's children.

25 ² At sentencing, the court ordered that restitution be paid to
26 Ngoc Tran in the sum of \$25,000, to Tri Tran in the sum of \$20,000,
27 and to Duc Tran in the sum of \$20,000. Payments were also ordered
28 to other individuals and companies in smaller amounts. The
government proposes that this partial restitution of \$9,773 be paid
to the three Tran family members because they are the victims who
actually suffered physical injuries, or the death of a child.

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DATED: 2/14/2006

HONORABLE WILLIAM B. SHUBB
U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers.

That on 01.8.2004, she served a copy of the attached

[PROPOSED] ORDER RE: RETURN OF MONIES

by placing said copy in a postage-paid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States mail at Sacramento, California.

Addressee(s):

QUIN DENVIR
Federal Defender
MARY M. FRENCH
Assistant Federal Defender
801 I Street
Sacramento, CA 95814


MICHELE R. RAMIREZ